IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 823 (S/S) of 2007

Jai Dayal Singh S/o Late Devi Dayal Singh Chauhan Presently posted as Assistant Teacher in Junior High School Sweet, Block-Khirsu,
District- Pauri Garhwal ------- Petitioner

Versus

1. State of Uttarakhand through Director of Vidyalayi Shiksha Nideshalaya, Mayur Vihar, Dehradun
2. District Education Officer Pauri District – Pauri Garhwal
3. Additional District Education Officer (Basic) Pauri Garhwal

------- Respondents

Hon'ble M.M. Ghildiyal, J.

Head Sri N.S. Negi, learned counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has challenged the transfer order dated 05.06.2007, Annexure 1 to the writ petition passed by respondent no. 3, Additional District Education Officer (Basic), Pauri, District Pauri Garhwal, by which the petitioner, who is working as Assistant Teacher, Junior High School Sweet, Block Khirsu, District Pauri Garhwal, has been transferred to Junior High School Bhandeli, Block-Thalisain, District Pauri Garhwal.

The impugned order has been passed on the ground that the petitioner is working against an inconsistent subject. The submission of the learned counsel for the petitioner is that earlier in the year 2002, the petitioner had applied for transfer because of his problems and he was transferred from Junior High School Bagar, Block Pabho to Junior High School Sweet, Block Khirsu.

Though in the transfer order of the year 2002, it was not mentioned that petitioner is being transferred against a vacancy of Science Teacher in the institution, however since 2002, the petitioner is teaching Science subject in the institution and the appointment of the petitioner was made as Assistant Teacher (Science).

The petitioner has submitted that he has already moved a representation against the impugned transfer order on 02.07.2007, Annexure 4 to the writ petition before the Additional District Education Officer (Basic). During the course of argument, learned counsel for the petitioner has submitted that the respondent, Additional District Education Officer (Basic) may be directed to take decision on the representation of the petitioner within a particular period prescribed by the Court.

The Prayer is innocuous.

In the circumstances, I direct the Additional District Education Officer (Basic) to take decision on the representation of the petitioner by a speaking order specifically giving the reasons why the petitioner has been treated to as a Teacher working against inconsistent subject. The decision shall be taken by the respondent authority within a period of one week from the date of production of a certified copy of this order.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

09.07.2007
VKS